

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

Sa'ud Habib, Beverly Williams, J. Marlene Smith, Kenneth Sliwinski, and Russ Dixon, individually and as representatives of a class of similarly situated persons, and on behalf of the M&T Bank Corporation Retirement Savings Plan,

Plaintiffs,

vs.

M&T Bank Corporation, Manufacturers and Traders Trust Company, M&T Bank Employee Benefit Plans Committee, Wilmington Trust Investment Advisors, Wilmington Funds Management Corporation, Wilmington Trust Corporation, Janet Coletti, Michele Trolli, Mark Czarnecki, Stephen Braunscheidel, Brian Hickey, Darren King, Kevin Pearson, Michael Spychala, Brent O. Baird, C. Angela Bontempo, Robert T. Brady, T. Jefferson Cunningham III, Gary N. Geisel, John D. Hawks, Jr., Patrick W.E. Hodgson, Richard G. King, Melinda R. Rich, Robert E. Sadler, Jr., Herbert L. Washington, Robert G. Wilmers, Robert J. Bennett, Michael D. Buckley, Jorge Pereira, Colin E. Doherty, Denis J. Salamon, Newton P.S. Merrill, and John Does 1–20,

Defendants.

**Civil Action No.: 1:16-cv-375-FPG**

Jacqueline Allen, individually and on behalf of herself and all others similarly situated,

Plaintiff,

vs.

M&T Bank Corporation, Manufacturers and Traders Trust Company, M&T Bank Employee Benefit Plans Committee, Wilmington Trust Investment Advisors, Wilmington Funds Management Corporation, Wilmington Trust Corporation, Robert G. Wilmers, Michael P. Pinto, Mark J. Czarnecki, and John Does 1-40,

Defendants.

**Civil Action No.: 1:16-cv-0704-FPG**

**NOTICE OF PLAINTIFFS' MOTION  
FOR ENTRY OF [PROPOSED] PRETRIAL ORDER NO. 1 CONSOLIDATING  
ACTIONS, APPOINTING NICHOLS KASTER, PLLP AND KESSLER TOPAZ  
MELTZER & CHECK, LLP INTERIM CO-LEAD CLASS COUNSEL, AND  
APPOINTING TREVETT CRISTO INTERIM LIAISON CLASS COUNSEL**

PLEASE TAKE NOTICE, that Plaintiffs Sa'ud Habib, Beverly Williams, J. Marlene Smith, Kenneth Sliwinski, Russ Dixon and Jacqueline Allen (collectively "Plaintiffs") will present their Motion for Entry of [Proposed] Pretrial Order No. 1 consolidating the above-captioned actions, appointing Nichols Kaster, PLLP and Kessler Topaz Meltzer & Check, LLP as Interim Co-Lead Class Counsel, and appointing and Trevett Cristo as Interim Liaison Class Counsel, on a date and time which will be provided by the Court.

**TREVETT CRISTO**

/s/ Lucinda Lapoff  
Lucinda Lapoff, Esq.  
2 State Street, Suite 1000  
Rochester, NY 14614  
Tel: (585) 454-2181  
Facsimile (585) 454-4026  
Email: clapoff@trevettcristo.com

***Proposed Interim Liaison Class Counsel***

**NICHOLS KASTER, PLLP**

/s/ Kai Richter  
Kai Richter, MN Bar No. 0296545\*  
Carl F. Engstrom, MN Bar No. 0396298\*  
Jacob Schutz, MN Bar No. 0395648\*  
\*admitted in W.D.N.Y.  
4600 IDS Center  
80 S 8th Street  
Minneapolis, MN 55402  
Telephone: 612-256-3200  
Facsimile: 612-338-4878  
Email: krichter@nka.com  
cengstrom@nka.com  
jschutz@nka.com

***Proposed Interim Co-Lead Class Counsel***

**KESSLER TOPAZ MELTZER  
& CHECK, LLP**

Edward W. Ciolko  
(*pro hac vice* motion filed)  
Mark K. Gyandoh  
(*pro hac vice* motion filed)  
Julie Siebert-Johnson  
(*pro hac vice* motion filed)  
280 King of Prussia Road  
Radnor, PA 19087  
Telephone: (610) 667-7706  
Facsimile (610) 667-7056  
Email: [eciolko@ktmc.com](mailto:eciolko@ktmc.com)  
[dmoffa@ktmc.com](mailto:dmoffa@ktmc.com)  
[mgyandoh@ktmc.com](mailto:mgyandoh@ktmc.com)  
[jsjohnson@ktmc.com](mailto:jsjohnson@ktmc.com)

***Proposed Interim Co-Lead Class Counsel***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of September 2016, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system which will send a notification to all counsel of record.

*s/ Lucinda Lapoff*  
Lucinda Lapoff